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C O N F I D E N T I A L SECTION 01 OF 02 SKOPJE 000137

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [MK](#)

SUBJECT: MACEDONIA: NEW PUBLIC PROSECUTOR FOCUSED ON
COMBATING ORGANIZED CRIME

REF: A. SKOPJE 120 & PREVIOUS

[1](#)B. SKOPJE 27

[1](#)C. SKOPJE 21

Classified By: PolOff Katrina Mosser, reasons 1.4(b) & (d).

SUMMARY

[1](#)1. (SBU) During a February 9 courtesy call with the Ambassador, newly appointed Chief Public Prosecutor Shvrgovski said his number one priority is combating organized crime in Macedonia. Shvrgovski, a former Deputy Public Prosecutor, was appointed by the Macedonian parliament on January 24. He is focused on key issues facing the Public Prosecutor's Office in the coming months -- the importance of showing concrete steps in combating organized crime, and preparing prosecutors for the possible return of four unindicted ICTY cases (ref A). End Summary.

NEW CHIEF PUBLIC PROSECUTOR APPOINTED

[1](#)2. (U) On February 9 the Ambassador paid a courtesy call on newly appointed Chief Public Prosecutor (CPP) Ljubco Shvrgovski. Shvrgovski was nominated by the GOM and appointed by the Macedonian parliament on January 24 to a six-year term of office. He was elected with 61 votes; the entire opposition boycotted the voting. Parliamentary opposition parties argued that correct procedures were not followed during the voting, and that the draft Law on the Public Prosecutor's Office should have been adopted prior to appointing a new CPP. The GOM avoided countering the legal argument, and argued that a new CPP should be appointed as soon as possible because the position had been vacant since October 2006, when the new parliamentary majority removed former CPP Aleksandar Prcevski due to his alleged "failure to perform his duties," a move many local observers saw as politically motivated.

PRIORITY #1 - COMBATING ORGANIZED CRIME

[1](#)3. (SBU) The Ambassador urged Shvrgovski and his fellow prosecutors to redouble efforts to strengthen rule of law and combat corruption. Shvrgovski said his number one priority as CPP is to combat organized crime. In support of that effort he intends to move forward on a number of outstanding high-profile cases.

[1](#)4. (C) Shvrgovski specifically referenced several cases, including one case involving at least 28 defendants allegedly involved in corruption and embezzlement; a bungled Macedonian arms shipment case (ref B); and a recent case resulting from

a drug bust at the Macedonia-Kosovo border (ref C). The Ambassador agreed that these cases are high-profile examples that the Public Prosecutor's Office and the GOM could use to show some concrete results in combating serious crimes through prosecutions and, where warranted, convictions and appropriate sentences. She also remarked that a number of serious cases remain pending, left over from the previous government.

15. (C) Shvrgovski also mentioned the draft Law on the Public Prosecutor's Office and his objection to the creation of a separate, semi-autonomous organized crime office, which he believes would be unconstitutional. He supports instead the creation of a specialized unit for organized crime within the Public Prosecutor's Office, as he agrees there is a need for specialized staff and training to prosecute organized crime cases. (NOTE: Post's OPDAT Legal Advisor has reviewed the draft law and sees no constitutional inconsistencies in it. Shvrgovski's announcement at the meeting with the Ambassador that he was breaking with the consensus earlier achieved in the drafting committee for the law, came as an unpleasant surprise to this mission. His reason will be carefully examined. END NOTE)

ADDITIONAL TRAINING NEEDED FOR ICTY CASES

16. (C) Shvrgovski agreed with the Ambassador that the Macedonian judicial system is not ready to accept the return of four unindicted ICTY cases (ref A). He believes the judiciary needs additional training to prepare for the return of cases, and specific training to deal with the heightened public interest and outside pressure the judiciary will likely face when processing the controversial cases. Shvrgovski welcomed the assistance of OPDAT and OSCE in providing the necessary training.

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CONTINUED U.S. SUPPORT AND ASSISTANCE

17. (SBU) Shvrgovski thanked the Ambassador for OPDAT's and USAID's continued support for upgrading court facilities, training prosecutors and judges, and providing valuable advice and expertise on the GOM'S ongoing judicial reforms. The Ambassador pledged to continue the close cooperation between the embassy and the Public Prosecutor's Office, since strengthening rule of law and judicial reforms are top priorities for the embassy. She stressed that the full implementation of judicial reforms and concrete results in combating organized crime and corruption would play a key role in advancing Macedonia's NATO membership prospects.

WHO IS SHVRGOVSKI?

18. (U) Prior to assuming his current office, Shvrgovski was the Deputy Public Prosecutor for the City of Skopje. He is not closely linked to any political party though he is close to senior figures with considerable influence in PM Gruevski's VMRO-DPMNE. Born in 1960, Shvrgovski holds a degree from the Law School at the University of Saints Cyril and Methodius. He rose through the ranks of the Skopje Municipal Court from 1989-1997, when he was appointed Deputy Public Prosecutor.

19. (C) Fellow prosecutors and international community legal experts hold a favorable opinion of Shvrgovski as a knowledgeable and capable prosecutor. His previous work on human trafficking and migrant-smuggling cases, and the prosecution of offenses against the state related to terrorism, public finances, and "white collar" crime should help to strengthen his office's ability to fight these all-too-common crimes in Macedonia. (NOTE: Deputy Chief Public Prosecutor Kosta Petrovski joined Shvrgovski during the Ambassador's courtesy call. Petrovski frequently coached Shvrgovski or supplemented his remarks during the meeting. Petrovski is viewed as a key behind-the-scenes player and is

likely to exert significant influence over Shvrgovski. Petrovski is the former president of the influential Public Prosecutors' Association, and has enjoyed a long-standing and positive relationship with international community representatives. END NOTE)

COMMENT

¶10. (C) OPDAT and USAID historically have had excellent cooperation with the Public Prosecutor's Office and we expect this cooperation will continue under the new leadership. Shvrgovski's focus on fighting organized crime and his stated intent to move forward on a number of high-profile cases will support strengthening of rule of law in Macedonia. He also will have to focus, however, on tackling older corruption cases involving bigger "fish" (some involving former members of the current governing party VMRO-DPMNE), and not only the politically convenient "small fry" he currently is pursuing, if he wants to be seen as genuinely committed to enforcing the law.

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